



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

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April 21, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair
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Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

MOTION TO SUPPORT AB 490 (STEINBERG) RELATED TO EDUCATIONAL OUTCOMES FOR FOSTER YOUTH (ITEM NO. 22, AGENDA OF APRIL 22, 2003)

Item Number 22 on the April 22, 2003 agenda is a motion by Supervisor Antonovich to support AB 490 (Steinberg), relating to educational outcomes for foster youth, and send letters of support to Governor Davis, Assemblymember Steinberg, and the County's Legislative Delegation.

AB 490, as amended on April 10, 2003, seeks to ensure all students in foster care have the opportunity to meet the same academic achievement standards as other students, and are placed in the least restrictive educational program with access to the same academic resources and services as other pupils. Specifically, AB 490 would add the following new items related to foster youth education:

- Require the parent, guardian, or person authorized to make educational decisions to give first consideration to placing the pupil in the regular public school prior to placement in a juvenile court school. The juvenile court would resolve any disputes about educational placement.
- Require the local educational agency to designate a liaison for foster youth to ensure proper placement, enrollment and transfers, and to assist in such transfers.

- Require the local educational agency to allow the foster youth to continue his or her education in the school they are currently attending for the duration of the school year, including transportation if necessary.
- Require the State and the local educational agencies to adopt policies and procedures to ensure that transportation is provided to and from the school the foster youth last attended and to share such expenses between the schools and/or districts.
- Require county social service agencies, probation departments, and local education agencies to take specific steps to ensure the timely transfer of pupils between schools, including transfer of records within a two-day time frame.
- Authorize access to pupil records by social workers when they are conducting a child dependency investigation or preparing a case plan or court report required by law.
- Make other changes to a foster youth's education including changes to credit for coursework, and authorizing a life quality assessment.

Federal law currently requires school districts to permit homeless youth to stay in the same school when requested by the youth and when the youth resides outside of the school's area. It is limited to situations where the youth requests to stay in the same school. The request can be denied if it is impractical and, there is a process administered by the schools to resolve disputes. While this law applies to dependent children who are in temporary shelter, currently estimated at a few hundred children in Los Angeles County, it does not apply to the estimated 30,000 children in out of home care.

Existing California law 1) requires every county office of education to make information available to child placement agencies about the range of educational options available for children residing in licensed institutions within its jurisdiction, 2) requires every child placement agency to notify the educational agency at the time a pupil is placed and requires a local education agency to invite placement agency representative's collaboration in monitoring the child's progress, 3) requires a local educational agency to cooperate with county social service or probation departments to ensure that the pupil's records are transferred to the local education agency in a timely manner, and 4) prohibits school districts from providing access to pupil records to anyone without parental consent or a judicial order, with certain exceptions provided to probation officers and district attorneys.

The Department of Children and Family Services (DCFS), the Probation Department, the County Office of Education (LACOE), and County Counsel believe the intent of AB 490 to quickly enroll foster children in appropriate schools with minimum disruption

is beneficial. While they note that AB 490 has positive elements such as clarifying that the social worker is entitled to school records, designating a school district liaison, and clarifying the authority of the juvenile court in educational decisions, they are concerned the measure would impose many new and unfunded requirements. Among the new requirements are: 1) a new workload for child social workers and probation officers of arranging for and transporting a child's school records from one school to another within a two-day time frame that, without new resources, take personnel away from other activities within DCFS and Probation, and 2) transportation costs for youth whose foster placement is not in proximity to the school of choice.

Additionally, County Counsel is concerned that AB 490 may be overly broad because it would affect foster youth in relative care placements (approximately 12,000 children), and by permitting the juvenile court to resolve disputes among the caretakers, parents, children's attorney, and school districts, it would circumvent the school's administrative process and transfer the decision-making process to the juvenile court likely resulting in more hearings in juvenile court at additional cost in attorneys fees for County Counsel, the District Attorney, children's attorneys, parents' attorneys, and the school district's lawyers.

DCFS, the Probation Department, LACOE, and County Counsel recommend that the County support AB 490 if amended to provide funding to implement the new educational requirements by county and local educational agencies, and we concur. Support for this position is consistent with existing County policy to support proposals which improve foster youth education, and oppose proposals which impose unfunded mandates.

AB 490 is co-sponsored by the California Youth Connection, Children's Advocacy Institute and, the Children's Law Center of Los Angeles. There is no known registered opposition. This measure is currently in the Assembly Education Committee awaiting a hearing date.

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c: Executive Officer, Board of Supervisors
 County Counsel
 Department of Children and Family Services
 District Attorney
 Los Angeles County Office of Education
 Probation Department